

NOTTELMANN

The Land Companies in
the Northwest Territory from
1783 - 1800

History

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THE LAND COMPANIES IN THE NORTHWEST TERRITORY
FROM 1783 TO 1800

BY

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A. B. Monmouth College,
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THESIS

Submitted in Partial Fulfillment of the Requirements for the
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I HEREBY RECOMMEND THAT THE THESIS PREPARED UNDER MY SUPERVISION BY

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1783 to 1800

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CHAPTER I

Development of Land Policies through 1787.

The proper use and disposition of the public lands have been questions involving no little legislation as well as administrative difficulty from the beginning of our history. The attention of the Continental Congress was early called to the subject of the crown lands or vacant territory. On September 16, 1776, bounty lands were offered to those who would enlist in the war,¹ and on August 27 of the same year liberal land offers were made to foreign officers and others who would leave the enemy's service to fight in the continental line.²

At this time, however, Congress did not own the lands which she was thus offering. All the vacant territory was covered by claims of the various states. Massachusetts claimed, under her old charter of 1629, all the land west of the settled portion of New York between a point three miles north of the source of the Merrimac and three south of the Charles River. Connecticut based her claims on her charter of 1662. By this she thought she had a clear title to all lands south of the Massachusetts line as far as the latitude of New York city. New York's claims were based on the Iroquois' cessions and embraced all the territory north of the Tennessee River. Virginia by her charter of 1609 and by the

¹Journal of Congress, ii., 336.

²Ibid., 310.

conquest of George Rogers Clark claimed nearly the same lands as New York. The Carolinas under the three charters of 1663, 1665, and 1732 claimed the land south of the Virginia territory and north of the Savannah River; while Georgia under her charter of 1732 and the proclamation of 1763, which gave her the land between the Altamaha and St. Marys rivers, claimed as far west as the Mississippi.

The other states which had no claims maintained that if these lands came into the possession of the government they should be used for the benefit of all the people of the United States and not for the advantage of the people of a few states. The larger states had hoped to pay off their soldiers from the sale of the lands but Congress refused to investigate their claims and suggested that all the lands which they claimed should be ceded to the United States to be used in the interest of the public good. An early proposal for cession was made by the committee of finance on September 19, 1778, and a year later Virginia and the other states were urged to cease granting lands during the continuance of the war. In 1780, New York offered to cede her western lands without reserve and between 1782 and 1802 the seven claimant states made cessions. Out of the grants of these states was constituted the famous Northwest Territory.

As early as October 10, 1780 Congress made her first statement in regard to her policy concerning the western lands when she resolved that they should be held as common property of all the states, be formed into states and be granted or settled at such times and under such regulations as should be agreed upon by

the United States in Congress assembled. From this statement gradually developed the policy regarding the western lands.

Little interest was taken in the disposition of western lands until the prospect of peace in 1783, when the question of the payment of the soldiers brought forward several plans. In April 1783 the army plan was originated by some of the principal officers in the continental army, foremost among whom was Pickering.¹ Entitled "Proposition for settling a state by such officers of the federal army as shall associate for that purpose," it proposed to purchase from the natives the tract of country bounded by Pennsylvania on the east, the river Ohio on the south, a meridian line drawn thirty miles west of the mouth of the Scioto River on the west, and by Lake Erie on the north. The promises made to the soldiers for grants of land for military service were to be fulfilled. The surplus lands were to be formed into common property of the state to be used for the common good in the building of roads, schools, and defraying the expenses of the government. The United States was to bear the expense of marching to the land as well as to furnish subsistence for three years. The prospective state was to gain admittance into the Union and slavery was to be excluded. This was the first suggestion for forming a new state in the Northwest Territory. By this scheme, the state would be formed of military men and the dues of the army from the government would be secured. It was planned to submit it first to the army, after which it would be sent to Congress. However, since Congress'

¹Pickering was a colonel in the army. Manasseh Cutler, Life, Journals and Correspondence, 1., 156 ff.

policy was to obtain the territory before venturing to organize it, the promoters probably saw that it would be useless to urge the matter at this time.

While this proposal was being discussed, another known as the financiers' plan was brought forward. This was introduced by Theodoric Bland of Virginia and was supported by Hamilton.¹ It provided for the acceptance of Virginia's cessions without granting her the territory which she had reserved north of the Ohio River.² The lands were to be used to pay the army, thirty acres being allowed for every dollar due. The lands were to be free from taxes for seven years. The territory was to be laid off into districts two degrees of latitude and three of longitude each, and each district into townships. The surveying was to be done at the expense of the general government. Provision was also made that as soon as the district contained twenty thousand male inhabitants, it should be admitted into the Union on equality with the original states. Ten thousand out of every one hundred thousand acres were to be reserved as a domain for the use of the United States, the revenue from which was to be used to pay the civil list, erect forts, and found seminaries of learning.

In the same year, 1783, on June 16, a petition signed by two hundred and eighty-five officers of the army was sent to Washington.

¹Bancroft, History of the Formation of the Constitution of the United States, i., 312-14.

²This reserved section lay between the Miami and Scioto rivers and was known as the Virginia military district since it was reserved to satisfy the bounties promised by Virginia to her soldiers who had served during the Revolution.

With it was a letter from Rufus Putnam,¹ one of the prime movers in the scheme. In this he told of the land desired and wished "that no grants will be made but by townships six miles square, or six by twelve, or six by eighteen miles, to be subdivided by the proprietors to six miles square, that being the standard on which they wish all the calculations to be made." The petition cited the resolve of Congress concerning land grants and stated that the petitioners were informed that the territory which now corresponds to the state of Ohio was a tract of land "not claimed by or in the jurisdiction of any particular state in the Union." "The land," the petition continued, "is of such quality and the situation such as may induce Congress to assign and mark it out as a tract or territory suitable to form a distinct government (or colony of the United States) in time to be admitted one of the Confederate States of America." They asked that Congress make provision for the location and survey of the lands to which they were entitled within the aforesaid district.²

Washington, who sent the petition on to Congress, the next day, inclosed with it a letter recommending the granting of such lands, maintaining that a settlement formed by such men would give security to the frontier.³ The application to Congress was at an

¹Born in Massachusetts in 1738; served in French wars, after which he studied civil engineering, becoming proficient in this line; served in the Revolution; and later became interested in the Ohio Company, being one of the pioneer settlers of Marietta. Manasseh Cutler, *Life, Journals and Correspondence*, i., 178.

²The petition is printed in *ibid.*, 159 ff.

³Washington was very much interested in the settlement of the western lands. For his letter, see *ibid.*, 167.

unfavorable time, for it was at this period that the mutiny of the Pennsylvania soldiers occurred. Washington writing to Putnam on June 2, 1784 regretted the fact that the petition had not been acted upon and expressed the hope that the new Congress which would soon assemble would take action upon it.¹ Congress, however, did not make any grants.

After Virginia had made her cession in 1784 a committee was appointed to draw up a form of government for the western territory. The first report of this committee was presented March 1, 1784 and was recommitted March 17. The second report was assigned for consideration for March 24 but did not come up until April 19. It was passed April 23, and became the law for the western territory.²

It provided that the territory should forever remain a part of the United States, subject to the government of Congress and the articles of confederation. The form of government was to be republican. In the first report provision had been made that there be no slavery in any of the states after the year 1800. This clause however was struck out and the bill as finally passed on the 23d made no provision concerning slavery. It was also provided that when any of the states should have as many free male inhabitants as any of the least numerous of the original states, it should be admitted by its delegates into the Congress of the United States. No provision was made for the selling of ungranted lands.

The throwing out of the clause concerning slavery caused no little displeasure and efforts were made to restore it.³ The

¹Manasseh Cutler, Life, Journals and Correspondence, i., 177.

²Journals of Congress, ix., 108 ff.

³It was especially agitated by Rufus King.

report submitted by the committee for that purpose was not considered as the land ordinance of 1785 was occupying the attention of Congress.¹

In the formation of this ordinance which provided for a method of land disposal, the committee was naturally influenced by the systems employed by the states. Two land systems had developed during the colonial period, the New England and the southern. The basis of the former was the township system. Private ownership was preceded by the laying out of townships by the colony. There could be no title to land outside of a township, within which the land was divided by the colony or the proprietors into tracts which were carefully laid out and the bounds recorded. The surveys in nearly all instances preceded settlement. Two other important features were the grants of land for education and religion and the sale of land by auction.² Under the southern system land was taken up by the location of warrants on any part of the unappropriated area. The surveys were supposed to be made by public surveyors but as most of them were made by deputies who had had little experience the possibility of error was always present. A person could select a desirable tract of unappropriated land and have it laid off by a surveyor under his direction without considering the relation of other pieces of property to his own.³ The

¹Grayson to Madison, 1785: "Mr. King of Massachusetts has a resolution ready drawn, which he reserves till the ordinance is passed for preventing slavery in the new states. I expect seven states may be found liberal enough to support it." Bancroft, History of the Formation of the Constitution of the United States, i., 435.

²Treat, National Land System, 35 ff.

³These were the usual methods of procedure.

differences between the two systems are quite evident. The southern scheme with its priority or tomahawk claim provision would lead to endless disputes over land titles, while on the other hand, the New England system would give security of title. While the southern system encouraged initiative and resourcefulness, the New England system afforded better protection against the Indians since it provided for more compact settlements.

The land ordinance passed May 20 embodied most of the provisions of the New England system. The ordinance provided that the territory ceded by the states was to be disposed of as soon as the purchase of Indian titles had been made. Surveyors were to divide the territory into townships six miles square by lines running due north and south and others crossing these at right angles as near as they may be. The first lines running north and south and east and west were to begin on the Ohio River on the Pennsylvania border. As soon as seven ranges were surveyed, townships were to be drawn by lot, one seventh part of the entire seven ranges for the use of the continental army. The remainder was to be distributed among the states who, after notice in a newspaper or proclamation posted in a public place, were to sell them at public auction. The townships were to be sold alternately as a whole and by lots. None of the lands was to be sold under one dollar per acre "to be paid in specie, or loan office certificates, reduced to specie value, by the scale of depreciation, or certificates of liquidated debts of the United States including interest, besides the expense of the survey and other charges thereon, which are hereby rated at thirty-six dollars the township (in specie or certificates as afore

said) and so in the same proportion for a fractional part of a township or of a lot, to be paid at the time of sale; on failure of which payment, the said lands shall again be offered for sale." Provision was also made for the reservation for the United States of sections eight, eleven, twenty-six, and twenty-nine out of every township. Lot sixteen of every township was reserved for the maintenance of public schools.¹

The subject of the government of the western territory did not come up again until the next year. Monroe, in 1785, had visited the Ohio lands and had become convinced that the formation of many states would not be advantageous.² He recommended that the western lands be divided into not less than two nor more than five states. Grayson at the same time urged for fewer states, his idea being not less than five.³ On September 19, 1786 a committee appointed to consider and report the form of government for the western territory made a report which was taken up for consideration on the 29th.⁴ The first report not being acted upon, another was submitted on April 26, 1787. On May 9, it was read the second time, amended and ordered to a third reading on the next day.⁵ It did not, however, come up again until July 9 and after several

¹Journals of Congress, x., 119 ff.

²The ordinance of 1784 had provided for ten states.

³William Grayson was a native of Virginia and a member of the Continental Congress. From 1789-1820, he was a senator of the United States.

⁴Journals of Congress, xi., 166.

⁵Ibid., xii., 49.

readings was passed on the 13th, 1787.¹

This law, known as the Ordinance of 1787, provided that the territory be one district subject to division. A governor and a court of three judges were to be appointed by Congress to serve for three years. When the district had acquired five thousand male inhabitants it was to be allowed to send a representative to the assembly. No one was to be bothered on account of religious belief and religion and morality were to be encouraged. The territory was to remain a part of the United States and the states formed out of it were to number not less than three nor more than five. When a state had sixty thousand inhabitants it was to be admitted to the Union. Neither slavery nor involuntary servitude were to be permitted in the territory.

Thus developed the land system under which, modified in part, disposal of the western lands was made.

¹Journals of Congress, xii., 58 ff.

CHAPTER II

Land Companies and Congress.

After the land ordinance of 1785 had been passed, various attempts were made to amend or change it. Congress asked the board of treasury to report a plan of sale and acting on its report of April 21, 1787 did away with the sales in the states and provided that the lands be sold where Congress should sit and that none should be sold for less than one dollar per acre. It was also provided that one-third of the purchase money be paid in the public securities of the United States and the remaining two-thirds in the same manner three months after the date of sale. Failure to meet this requirement meant the forfeiture of the first payment.¹

Under this regulation, in the fall of 1787, about 108,431 acres were sold at auction in New York for \$176,000. Actually, however, only 72,974 acres were sold for the rest was forfeited on account of failure to pay. Several attempts were made to have Congress make good the loss incurred from these purchases, but no money was refunded.²

¹Journals of Congress, xii., 389.

²In 1823 an application was submitted by Alexander Macomb stating that he and a party by the name of Edgar had in pursuance of the above resolutions purchased 35,447 acres at a coffee house in New York, between September 21 and October 9, 1787. They asked that the money they had lost by failure to make their second payment be given to them. This application was refused.

Before the Ordinance of 1787 had been drawn up and Congress was considering plans for the western lands, the Ohio Company of Associates petitioned for territory. This company which was an outgrowth of the "officers' petition" resolved on March 8, 1787 that three directors should be appointed for the company, whose duty it should be to make application to Congress for a private purchase of lands under such descriptions as they should deem adequate to the company. General Samuel Parsons, Rufus Putnam, and Reverend Manasseh Cutler were chosen as the directors, Parsons being selected to make the application to Congress.¹

Cutler, writing to Major Sargent on March 16, stated that he approved of the plan to make application and that it was of the greatest importance to the company that the purchase be made as soon as possible. He also maintained that if Congress should prefer surveying the lands at their own expense he would not be willing to offer more than half a dollar per acre.² In a letter to Nathan Dane on the same date, he expressed the hope that Congress notwithstanding their land ordinance would not refuse to make a private sale to the company.

Parsons' application to Congress was not pleasing to the company.³ In a letter of May 30, 1787 from Putnam and Cutler to Sargent, they declared that they could not agree to the location proposed by parsons. They maintained the most advantageous situation would be to have the eastern bounds on the line of the seventh

¹Manasseh Cutler, Life, Journals and Correspondence, i., 191.

²Ibid., 192, 193.

³Parsons made his application on May 9, 1787.

range of townships and the western on the line Congress had fixed as the western boundary of the state of Washington, then to extend northwardly so as to include the quantity of lands the company wished to buy.¹ They insisted that the eastern boundary be the Muskingum; otherwise, they would think of giving up the idea of making a purchase.

The company resolved that one of their number visit Parsons and, if sufficient representation for continuing the business with Congress was found, to go on to that body. Cutler who had been one of the foremost movers of the company was chosen to take up the work in which Parsons had failed. On June 23, 1787 he prepared for his journey from Ipswich, his home town, to New York where Congress was then sitting.² With the entrance of Cutler, affairs took a different trend for he proved to be a most capable man. On July 2, he visited with Parsons and settled all matters with respect to his business with Congress, as well as receiving a large number of introductory letters to the members of that body. On the 6th he delivered his petition and proposed terms and conditions of purchase. A committee was appointed to agree on the terms of negotiation.³

During the next few days while waiting the acting of Congress Cutler consulted with Hutchins, the United States geographer, as

¹Manasseh Cutler, Life, Journals and Correspondence, 1., 196. In this same letter Cutler expressed the opinion that Parsons may have had views distinct from the interests of the company in his proposals for a location.

²Ibid., 201.

³Ibid., 230.

to the best place to locate and was advised to choose the Muskingum. On the 9th, Cutler attended the committee and debated on the terms, but they were, as Cutler said, "so wide apart that there appears little chance of closing a contract."¹ Congress now being busy with the ordinance of 1787, Cutler was obliged to suspend his negotiations.² On the 18th he again renewed his relations with Congress and found that there were a number opposed to his terms, but yet others were very favorable to him. On the 20th, the secretary of Congress gave Cutler an ordinance that had been drawn up the previous day. This, however, was not satisfactory to him and he told Congress that he preferred purchasing lands of some of the states. He also proposed to leave the city immediately but Congress insisted on his staying until another attempt had been made.

At this point, Colonel Duer came to him "with proposals from a number of the principal characters in the city to extend our contract and take in another company, but that it should be kept a profound secret. He explained the plan and offered me generous conditions if I would accomplish the business for them."³ The plan was agreeable to Cutler who agreed with Duer to purchase more lands if terms for another company could be obtained.

On the day following this agreement several members of Congress called on Cutler and informed him if he renewed his request

¹Manasseh Cutler, Life, Journals and Correspondence, i., 236.

²In his journal for July 10, Cutler says that a copy of the ordinance was sent him with leave to make remarks, which he did. Cutler seems to have had considerable influence on the development of the ordinance of 1787.

³Ibid., 295.

to Congress they thought he might be able to obtain conditions as he desired. Cutler still maintained an indifferent attitude and talked of the advantage of a contract with some of the states.¹ At length, however, he told Congress that if they would agree to the terms he proposed, he would extend his purchase to the tenth township from the Ohio and Scioto inclusively. By this, he said Congress could pay \$4,000,000 of the national debt.

After a warm debate, another ordinance was passed on the 23d by which the board of treasury was authorized and empowered to contract with "any person or persons for a grant of land which shall be bounded by the Ohio, from the mouth of the Scioto to the intersection of the western boundary of the seventh range of townships now surveying, thence by the said boundary to the northern boundary of the tenth township from the Ohio, thence by a due west line to the Scioto, thence by the Scioto to the beginning."² The territory was to be surveyed by officers of the United States and seven years from the completion of this work the purchasers at their own expense were to lay off the whole tract according to the land ordinance of 1785. Lot sixteen in each township was to be given for the maintenance of public schools; lot twenty-nine for the purpose of religion; and numbers eight, eleven, and twenty-six for the further disposition of Congress. Not more than two townships were to be given for a university. The price was to be not less than one dollar per acre liable to reduction for bad lands

¹Cutler hoped to bring Congress to terms by pretending to be very favorably inclined to entering into negotiations with some of the states.

²Journals of Congress, xii., 147. ✓

and other incidentals providing it did not exceed one-third of a dollar per acre. Rights for bounties to the army were allowed to be used in payment provided they should not exceed one-seventh of the land to be paid for. Not less than \$500,000 of the purchase money was to be paid upon the closing of the contract and the rest when the survey was completed.

On the day following, Cutler received a letter from the board of treasury containing these resolutions, asking him if he wished to close a contract of these conditions. After consulting with Duer and Sargent, it was agreed that they could not accept the terms without some variations. They therefore, on July 26, 1787, sent a letter to the board stating the terms on which they would contract.¹ They insisted that \$200,000 be paid with the contract, \$500,000 with the survey, and the remainder in six equal payments. They agreed to regulate the contract so that they would never be entitled to deed, entry, or occupancy except on the lands actually paid for. On such terms they expressed their willingness to contract.

St. Clair, on the 26th, assured Cutler he would make every possible exertion to get Congress to accept the terms as stated in his letter.² In his journal of the 26th Cutler says that Sargent, Duer, and he "now entered into the true spirit of negotiations with great bodies. Every machine in the city that it was possible to set to work was now put in motion."³ At this time it was agreed

¹Journals of Congress, xii., 148.

²Manasseh Cutler, Life, Journals and Correspondence, i., 301.

³Ibid. It is evident a great deal of wire pulling was employed.

that should they fail, Sargent should go to Maryland while Cutler went to Connecticut and Rhode Island to try to get representations favorable to the plan.¹

On the 27th Cutler decided to leave New York and paid his respects to the members of Congress, informing them of his intentions. He told them he would await the decision of Congress, but if his terms were not granted he would turn his attention to some other part of the country.² At half past three he was informed that an ordinance had passed Congress agreeable to his terms. Cutler and Sargent immediately went to the board of treasury.

By this ordinance, says Cutler, "we obtained the grant of near five millions of acres of land amounting to three million and a half of dollars; one million and a half of acres for the Ohio Company and the remainder for a private speculation in which many of the principal characters in America are concerned. Without connecting this speculation similar terms and advantages could not have been obtained for the Ohio Company."³ The private speculation spoken of by Cutler was the Scioto Company.

On October 27, Cutler completed the contract with the board of treasury when he and Sargent signed two contracts, one for the Ohio and the other for the Scioto Company. Cutler speaks of it as the "greatest private contract ever made in America."

Encouraged by the success of the Ohio Company, John Cleve

¹Only eight states were represented at this time and seven of these were necessary to pass the bill.

²New York, Massachusetts, and Connecticut were selling lands at fifty cents per acre.

³Manasseh Cutler, Life, Journals and Correspondence, i., 305.

Symmes, congressman from New Jersey, who had visited the Miami country in the summer of 1787, when he became interested in its prospects, organized a company and petitioned Congress for a tract of land between the Great and Little Miamis.¹ In his petition he stated that he was induced by citizens of the United States west of Connecticut to make petition for lands on the same conditions as those granted to Sargent and Cutler. The boundaries of the tract desired were to "begin at the mouth of the Great Miami River, thence running up the Ohio to the mouth of the Little Miami, to a place where a due west line to be continued from the western termination of the northern boundary line of the grant to Messrs. Sargent, Cutler, and Co. shall intersect the said Little Miami, thence due west continuing the said western line to the place where the said line shall intersect the main branch or stream of the Great Miami River, thence down the Great Miami to the place of beginning".

At the time the application was referred to the board of treasury, Symmes paid into the treasury \$82,198, the principal part of which had been advanced by his associates.² His proposition being accepted and the first payment having been made, Symmes did not wait to close his contract but immediately set out for the western territory with the intention of exploring his purchase.³ When Congress heard this they became alarmed, thinking Symmes meant to gain possession of his lands and then defy them. A motion was made to send General Harmar to dispossess him. However, Dr.

¹Journals of Congress, xii., 150.

²American State Papers, Public Lands, i., 95.

³Burnet's Notes, 413.

Bondinot and General Dayton, two of Symmes' associates, were in Congress at the time and they succeeded in making sufficient explanation to induce Congress to refrain from this action. Daniel Marsh, another of the associates, was sent after Symmes to get him to return or else to secure from him a power of attorney authorizing some of his friends to complete the contract. Symmes was overtaken at Pittsburgh where he gave Marsh a letter of attorney authorizing Jonathan Dayton and Daniel Marsh to execute the contract as they should see fit.¹

A contract was closed with Symmes on October 15, 1788. By this the quantity of lands was reduced to one million acres and the southern boundary did not run from one Miami to the other but ended twenty miles above the mouth of the Big Miami.² The price per acre was the same as that paid by the Ohio Company--two-thirds of a dollar. It was further agreed that Symmes should, on the completion of the survey, pay \$82,198, the same amount he had paid before the contract was completed, and that the remainder to be paid in six equal semi-annual instalments. The use of military bounty rights for one-seventh part of the payment was also permitted.

Before Symmes had made his contract Royal Flint and Joseph Parker, for themselves and associates, petitioned on October 18, 1787 for two tracts of land.³ One tract on the Ohio and Wabash rivers was to include two million acres, while the other, on the Mississippi, was to contain one million acres. They desired the

¹Burnet's Notes, 414.

²American State Papers, Public Lands, i., 75.

³Journals of Congress, xii., 151.

same terms as those applied for by Symmes on August 29. They also asked that they be allowed four complete townships for compensation for their trouble and expense in making the purchase of the Indian rights, which they had agreed to make.

On May 1, 1788, George Morgan petitioned Congress in behalf of a group of associates from New Jersey, known as the New Jersey Society, for a tract of land south of that desired by Parker and Flint.¹ The inhabitants of Kaskaskia, Prairie du Rocher, Cahokia, Fort de Chartres, and St. Philippe were to be allowed their respective rights within the boundaries as Congress should direct. They proposed to purchase on similar terms as Flint and Parker, or to pay the entire amount within one month after the geographer had completed the survey of the boundaries at the rate of half a dollar per acre in public securities under condition that the United States extinguish the Indian title. A third method suggested by them was to pay the whole purchase money down at the rate of one-third of a dollar per acre, agreeing to take it upon themselves to extinguish the Indian titles.²

Of all these companies which petitioned after the Ohio associates, the Symmes Company was the only one to obtain a grant. In

¹Alvord, Kaskaskia Record, in Illinois Historical Collections, v., 469.

²Besides the companies already mentioned some attention might be given to the Illinois and Wabash land companies. Although they did not secure any lands, they were continually knocking on the doors of Congress, desiring that they be given the right to the lands they had purchased from the Indians. Their claims were based on two deeds, one to William Murray and others, called the Illinois Company, on July 5, 1773, and the other to Lord Dunsmore and others, known as the Wabash Company, on October 10, 1775. American State Papers, Public Lands, i., 27.

all the petitions it is seen that a tract of a million or more acres is asked for. It was necessary to ask for this much land as Congress had resolved on October 22, 1787 that no tract sold was to be less than one million acres and was not to have a front on the Ohio, Mississippi, Wabash, or Illinois rivers, of more than one-third of the depth of the rivers. The terms were to be the same as those contained in the grant of the Ohio Company and no grant was to be made for seminaries unless the amount was equal to Cutler's purchase.¹ This was a decided change in the land disposal policy. It was such a policy that gave rise to the formation of land companies which undertook the settlement of the Northwest Territory.

¹Journals of Congress, xii., 142.

CHAPTER III

The Ohio Company

The Ohio Company which had obtained from Congress the grant of a large tract of western land had an interesting growth. The origin, as has been said, was in the petition of the army officers in 1783. Congress failed to act upon this petition but the ideas and hopes of the petitioners still lived. After the passage of the land ordinance of 1785 both Tupper and Putnam who had been foremost in advancing the petition of two years before engaged in surveying, Tupper in the seven ranges and Putnam in Maine. On January 9, Tupper returning from the West went to the home of his friend Putnam in Rutland, Massachusetts, where they spent the night discussing plans for this new territory, the fertility and beauty of which had appealed to Tupper.

As a result of this meeting, the two published in a New England paper on January 10, 1786 a card entitled "Information," inviting "all officers and soldiers who have served in the late war and who are by a late ordinance of the honorable Congress to receive certain tracts of land in the Ohio country and also all other good citizens who wish to become adventurers in that delightful region, that from personal inspection together with other incontestable evidences they are fully satisfied that the lands in that quarter are of a much better quality than any other known to New England people; that the climate, season, product, etc., are in fact equal to the most flattering accounts that have ever been

published of them; that being determined to become purchasers and to prosecute a settlement in this country and desirous of forming a general association with those who entertain the same ideas, they beg leave to propose the following plan viz:--That an association by the name of the Ohio Company be formed of all such as wish to become purchasers etc., in that country who reside in the Commonwealth of Massachusetts only, or to extend to the inhabitants of other states as shall be agreed on. In order to bring such a company into existence the subscribers propose that all persons who wish to promote the scheme should meet in their respective counties at ten o'clock A.M. on Wednesday the 15th day of February next, and that each county meeting then assembled choose a delegate or delegates to meet at the Bunch of Grapes Tavern, in Boston, on Wednesday the first day of March next, at 10 o'clock A.M., then and there to consider and determine on a plan of association for said company; which plan, covenant, or agreement being published, any person (under condition therein to be provided) may by subscribing his name become a member of the company."¹

In consequence of this notice meetings were held in the several counties and delegates were chosen to go to Boston, where they met on the first of March and chose Putnam chairman and Winthrop Sargent secretary.² It appearing expedient to form a settlement, a committee of five was chosen to prepare a draft of a plan of an association into a company. Their report on March 3 formed the articles of agreement which stated that the design of the associa-

¹Manasseh Cutler, Life, Journals and Correspondence, i., 179.

²Ibid., 180.

tion was to raise a fund in continental specie for the sole purpose of purchasing lands in the western territory from the United States and to promote a settlement there. The fund was not to exceed one million in specie certificates exclusive of one year's interest and each share was to consist of one thousand dollars. The whole fund raised by the association was to be used to purchase lands northwest of the Ohio just as soon as they were surveyed according to the law of 1785.¹ Proprietors of twenty shares were to constitute one division of the company and were to appoint an agent who was to be accountable to each subscriber for the money received. No person was to be allowed to hold more than five shares. The common interest of the company was to obtain an ordinance of incorporation from Congress or from one of the states, the funds of the company to be extended to any sum providing such ordinance was obtained.²

Subscription books were soon circulated in which the subscribers agreed that at the next meeting a standing committee, secretary, treasurer, and other officers necessary to carry on the company's business be chosen. Several persons who were good judges of land were to be appointed by the company to go under their direction to the western lands, select the most suitable place for settlement and upon return petition Congress for land and if the terms were favorable to agree for them. The townships were to be laid out in lots no one of which was to be more than three hundred or less than

¹It is interesting to note that people from Virginia and the southern states had done most of the pioneer work in the Northwest Territory, but settlement was undertaken by New Englanders.

²Manasseh Cutler, Life, Journals and Correspondence, i., 181ff

one hundred acres. The city to be located in the territory was to be so laid out that each one held land in it, in proportion to what he held outside of it. The lands were to be drawn for by lot, each subscriber drawing for the number for which he had subscribed. Each proprietor was to put on a settler for every three hundred acres he possessed within a certain time fixed by the company, otherwise forfeiting as much of his land as was not thus settled. Each person at the time he subscribed was to pay to the company six shillings for every one hundred acres; the rest to be paid at a time fixed by the company.¹

On March 4, 1786, the convention resolved that Colonel Hull, Major Sargent and Captain Mills be a committee to transact the necessary business of the company until the directors were chosen.²

From now on the great influence of Manasseh Cutler becomes noticeable. He was a man keenly interested in political and scientific lines, as in his profession, the ministry.³ On March 24, 1786 he wrote to Sargent stating that he had received on the eleventh, the articles of association and that he would make every exertion in his power to obtain subscriptions.⁴ He went on to say that the people were becoming interested in the project of the Ohio

¹Manasseh Cutler, *Life, Journals and Correspondence*, i., 184.

²*Ibid.*, 186.

³Cutler was born at Killingly, Connecticut, May 13, 1742. He graduated from Yale in 1756. After practising law for some time, he studied theology and on September 1, 1771 was ordained pastor at Ipswich, Massachusetts. He was serving in this capacity when he became interested in the Ohio Company.

⁴*Ibid.*, 187.

Company since he found "a number and some of them of considerable property who are inclined to become adventurers." The Ohio land was little known in Cutler's part of the country but he felt sure that if they were informed of the fertility and climate of this western territory, they would emigrate there instead of to the northern states.¹ In less than a month from the time of his letter to Sargent, Cutler had secured eight or ten subscriptions and felt certain that more could be obtained in a short time.

Many people were eager to become members of this new association and sales of the shares were quite encouraging. At a meeting of the society on March 8, 1787 at Brackett's Tavern in Boston, it was found that two hundred and fifty shares were subscribed for.² At this same meeting the decision was made to petition Congress for lands; the outcome of which has been related in a previous chapter. On August 29, at a meeting of the company at the Bunch of Grapes Tavern, Cutler's report of his negotiation with Congress were confirmed by the society.³ On the following day it was resolved that five thousand seven hundred and sixty acres near the confluence of the Muskingum and the Ohio rivers, be reserved for a city and commons. Within this tract, in the most advantageous situation, sixty squares, three hundred and fifty feet by three hundred and

¹Manasseh Cutler, Life, Journals and Correspondence, i., 187. Cutler was very enthusiastic over this new project and entered largely into the work of securing shares.

²People eagerly welcomed this opportunity to invest in the new lands which seemed so promising. Cutler had sent subscription blanks to New Hampshire, having been informed that there were a number there desirous of securing lands. Ibid., i., 191.

³Ibid., 320.

sixty feet each, were to be laid out for a city. Each square was to contain twelve house lots of sixty feet front and one hundred feet depth and six lots fifty-three feet by one hundred and eighty feet. Adjoining this tract for a city, one thousand lots of sixty-four acres each were to be laid off, one of which together with a city lot was to be considered a part of each proprietor's share. One hundred houses for the reception and protection of settlers were to be built in the following autumn and winter.¹ In order to carry on these plans it was determined to be absolutely necessary that the subscribers should pay immediately so that the money might be in the hands of the treasurer by the 4th of the following October.

General James Varnum² was chosen one of the directors and Richard Platt was selected as treasurer for the Ohio Company. Platt was chosen because he represented about one hundred shares from Rhode Island, the owners of which shares asked that he might be elected. Since without his selection the money the company wanted could not have been obtained, he was chosen.³

The company having decided to send men to the western country,

¹The first emigrants did not arrive at the settlement until the next spring.

²James Varnum was born at Dracut, Massachusetts, in 1748. At the age of twenty-one he was admitted to the bar and when twenty-six was a colonel in the army. At the age of thirty-one he was elected to Congress and chosen as one of the judges for the Northwest Territory after the ordinance of 1787.

³At this time it was becoming hard to secure money on account of the rise in securities and many who would have liked to have invested in this new company were unable to do so.

by the latter part of November preparations for such an undertaking were under way. On December 3, a party assembled at Ipswich on their way to join the first company of settlers. Cutler accompanied them to Danvers where they were placed under the command of Major White and Captain Putnam.¹ The first division consisting of about twenty-two men started immediately for the Muskingum. These men, led by White, endured extreme hardships in making progress over the mountains but finally arrived at Sumrill's Ferry on the Youghiogheny River on January 23, 1788.

The second division under the leadership of Colonel Sproat started from Hartford, Connecticut, about the first of January 1788. Like those that had gone before them, this detachment met with great difficulties on their journey. In order to cross the mountains they were forced to abandon their wagons and build sledges to which the horses were harnessed in single file. With the men preceding to make a path they slowly made their way over the mountains. On February 14, arriving at Sumrill's Ferry where White's party was met, they found conditions very bad. No boats were built, no boards or planks ready and no one in the party capable of building a canoe. The mill was frozen up and five men in the company

¹Jervis Cutler, the second son of Manasseh Cutler, was in the company. At this time he was only twenty years old. He is said to have been the first to land at Marietta.

Temple Cutler, the youngest son of Manasseh Cutler, in a reminiscence of the start of these emigrants tells of his father's addressing them before they started and of the cheers that greeted them as they set forth. Cutler had prepared a large wagon for them covered with black canvas, on which he had painted "For the Ohio at the Muskingum."

were sick with small pox.¹

The combined companies, however, numbering forty-seven men set to work to build boats to carry them to their intended destination. Two boats, the *Adelphic* and the *Mayflower*, besides three small canoes were built to take them to their new homes, for which they started on April 1, arriving without any further delays on the 7th of that month.² Immediately upon landing they began to lay out the town which they at first called *Adelphia* but later changed to *Marietta*.³ They put up General Putnam's large tent, known as a marquee, under which the business of the company was transacted for several months until the block houses were erected. This being the spring of the year, the country appeared very beautiful and promising and the settlers, much encouraged by the pleasant prospects, began early to clear lands and erect huts.⁴ *Campus Martius*, as their garrison was called, was begun. It consisted of a regular square of houses with a block house at each corner. By the middle of December forty or fifty huts were built and more were under construction but the completion of *Campus Martius* was not reached until 1791, after the outbreak of Indian hostilities.⁵

¹Putnam to Cutler, May 16, 1788, in Manasseh Cutler, *Life, Journals and Correspondence*, i., 376 ff.

²They landed first at Fort Harmar, a military post which was directly across from the place of their settlement.

³The name of *Adelphic*, meaning "brotherly love," was suggested by Cutler. It was changed to *Marietta* July 2, 1788.

⁴Concerning the work of the early settlers see *Journals and Letters of Colonel John May*, 45 ff.

⁵The difficult task of building a settlement could scarcely have been successful under any class of people but these sturdy pioneers of New England. They had all seen hard service, most of them having taken active part in the army.

The cultivation of the land was eagerly undertaken by these first settlers as well as by those who came during the summer. The largest group that arrived was that of fifty people under General Varnum on June 5, 1788. The first year about one hundred and thirty acres of corn were planted by the settlers.¹

By the end of 1788 it was seen that it would be necessary to encourage settlement in some of the more remote places in order to bring about the speedy occupation of the country and to form a frontier for the main portion of the colony. Accordingly in January 1789 it was voted to give two hundred settling rights to non-proprietors before October 1. The duties were five years residence on these lands, within which time each settler was to build a house of at least twenty-four by eighteen feet, to clear twenty acres within three years, and to set out fifty apple trees and twenty peach trees. Obedience to all militia laws was also required.²

The outcome of this was the establishment of several new places in the Ohio lands. In the winter of 1788-89 a company composed of forty associates was formed in Marietta, where lots were drawn and early in April 1789, settlement at Belpre, fourteen miles below Marietta, was begun.³ Huts were soon erected and cultivation and

¹Hildreth, *Pioneer Settlers of Ohio*, 103. It was fortunate that so much was done for the winter of 1788 was extremely severe and even with the aid of the yield of the corn, which proved to be good, the settlers suffered greatly from the lack of food.

²Manasseh Cutler, *Life, Journals and Correspondence*, i., 441.

³People were no doubt encouraged to go on to the lands since the treaty which had been pending with the Indians had been completed, January 9, 1789. This was of little value, however, for several tribes did not agree to it and those who did, did not live up to it.

planting undertaken. The first winter the settlers at Belpre suffered intensely from famine and sickness, caused by the failure of the corn crop.¹ By the time the crops were ready to gather the next year, 1791, the Indian hostilities broke out, forcing the people into the garrison which was built at this time and called "Farmer's Castle."²

The second settlement resulting from the donation grant was that of Waterford by an association of thirty-nine men which had been formed at Marietta in the summer of 1789. On April 20, 1789, about nineteen left Marietta for this new place which was about twenty miles up the river. They were soon joined by more of the associates and the building of houses and clearing of the land was quickly begun. A part of the people settled at Wolf's Creek about a mile from the main settlement and erected grist mills³ there. This second settlement like its predecessor was fairly well started when the Indian war forced the people to fortify their town and remain in it.⁴

In the autumn of 1790 a company of thirty-six men began a settlement at Big Bottom, thirty miles above the mouth of the

¹The corn has been planted late and an early frost had spoiled it. The use of moldy corn caused a great deal of sickness in the settlement. Hildreth, Pioneer History of Ohio, 355.

²Those who settled at Belpre had profited by the work of establishing Marietta and were thus able to work to a better advantage in establishing Belpre.

³This Mill furnished the meal for the settlements until the time of the Indian hostilities in 1791 when the people left it and went into the garrison. Even during this period, it was used, trips being made to it under heavy guard.

⁴Ibid., 422.

Muskingum. By this time the Indians were becoming more hostile and those who knew best advised that the settlement be not undertaken until the following spring.¹ Those interested, however, refused to take this advice and went out to Big Bottom where they began erecting log huts. They neglected to provide adequate protection and were easy prey for an attack from the Indians which occurred in January 1791.² This attack was the one which forced the settlers in the Ohio district to remain within their settlements.

The years from 1791 to 1795 saw little progress in the Ohio Company. The Indians becoming more bold on account of the defeat of St. Clair on November 4, 1791, continued to harass the settlements.³ The only cultivation that could be carried on had to be done under armed protection and therefore did not amount to much. People, discouraged by the condition of affairs, did not care to go to the territory with the result that few settlers arrived during these years.

Returning to the beginning of the Ohio settlements it is interesting to note how they provided for religion and schools. That they should pay attention to these things was quite natural since they were New Englanders and had, therefore, definite ideas on these matters. On July 20, 1788 the Reverend William Brack, one of the

¹Colonel Harmar had made an expedition into the Shawnee country which had greatly offended those tribes as well as the other Indians.

²There were twelve persons killed in this attack. Part of the inhabitants were in Marietta at this time attending the court of quarter sessions. For conditions at the time see Hildreth, op. cit.

³They grew more daring in their attacks and plundered and stole more than before. The garrisons could not be left except unguarded and even then it was dangerous.

Ohio Company, delivered the first sermon in this new territory.¹ On August 19, Cutler who had left Ipswich on April 21 arrived at Marietta.² During his stay at the settlement he preached several times and upon his return to Massachusetts in October sought a minister to send to the Ohio country. He was fortunate in his search, obtaining Daniel Story of Worcester. Story at this time was thrity-four years old, a graduate of Dartmouth college and favorably known in Massachusetts. He was to receive his board and four dollars in silver per week, as well as the permission to improve, if he chose, a part of the lands, near the city, granted for religious purposes. Besides this he was to be allowed a reasonable compensation for his expense in going to the country.³ Story left for his new charge the last of November 1788 but on account of the diffuculty of the journey did not arrive in Marietta until about the middle of March 1789.⁴ He preached in rotation in the settlements just beginning for the directors of the company required that he preach one-third of the time at Waterford⁵ and Belpre. During the Indian war from 1791 to 1795 he preached most of the time in Marietta as this was the only place of safety.⁶ After

¹About three hundred people were at this meeting, they having come from Marietta, Virginia, and Fort Harmar. Some women and children were there which was a very pleasing sight since there were at this time no women in the settlement although some arrived later in this year. Journal and Letters of Colonel John May of Boston, 87.

²Manasseh Cutler, Life, Journals and Correspondence, i., 384.

³Letter from Cutler to Putnam, in *ibid.*, 435.

⁴Letter from Putnam to Cutler, March 25, 1789, in *ibid.*, 442. Putnam wrote that Story had been with them one Sabbath.

⁵Hildreth, Pioneer Settlers of Ohio, 326, 327.

⁶Occasionally services were held in Belpre or Waterford but

peace was made Story, in 1796, established at Marietta a Congregational church composed of members from this place, Belfre, Waterford, and Vienna in Virginia.¹ In 1797 Story returned to the East but being again urged to take charge of the church at Marietta in 1798 he returned to this place.²

The early settlers also made provision for education. The money for the payment of the teachers was furnished by the company and also by the inhabitants themselves. Even during the time of the war, schools were maintained within the garrison, though often at a great sacrifice of the settlers. The teachers were men in the most cases but as early as the summer of 1789 Bathsheba Rouse, daughter of an emigrant from Massachusetts, kept a school at Belpre.³

Laws for the government of the territory were established in July 1788 after the arrival of Governor St. Clair⁴ on the 9th of that month.⁵ Acts regulating the establishment of a militia, appointing sheriff, and providing for quarter sessions of the these were quite rare. At Belpre services were led by Colonel Battelle, one of the inhabitants.

¹That the Congregational Church was established was entirely logical as that was the prevailing belief in New England whence these pioneers came.

²Manasseh Cutler, Life, Journals and Correspondence, ii., 1,2. The amount offered Story to return was \$300 annually.

³Hildreth, Pioneer History, 335.

⁴St. Clair had been appointed governor of the Northwest Territory in compliance with the ordinance of 1787.

⁵Even before this, on June 10, police officers had been appointed by the people of Marietta. Journals and Letters of Colonel John May of Boston, 66.

general court and for the meeting of the court of common pleas were enacted. Under such provisions, law was strictly enforced in this new land and order was maintained. Pillories, whipping stocks, and jails were erected for the punishment of evil doers.¹

During the time the settlement of the Ohio country was being undertaken, the affairs of the company were in a bad condition. Early in 1789 it was seen that the rise in securities, which was making it extremely difficult to get money, would necessitate the failure of the second payment to Congress unless the time for the payment was extended beyond June.² At a meeting of the directors of the company, May 6, 1789, Putnam and Cutler were instructed to make application to Congress for the purpose of closing the accounts of the agents on the treasurer's books. They were empowered to receive of the treasurer the army warrants and money which had been paid for shares and to pay them to the government so as to fulfil the contract of the company. They were further empowered to do whatever they thought necessary to obtain a deed of the land purchased. These two men planned to go to Congress by the first of November but on account of the adjournment of that body they did not go.³

¹Hildreth, Pioneer History, 219.

²Cutler to Putnam, April 9, 1789: "If the time for closing the payments is not extended beyond June my agency will stand nearly as in the statement I sent you: about 1/2 deficient." Manasseh Cutler, Life, Journals and Correspondence, i., 443.

³Ibid., 448. Cutler to Sargent, September 28, 1789. In this same letter he mentioned the fact that there would be from fifty to one hundred shares delinquent but expressed the hope that he would be able to obtain the whole amount from Congress.

By the latter part of December securities were still rising and it was realized that the company would have to compromise with Congress even if it necessitated a considerable sacrifice. In February Putnam and Cutler went to New York where they commenced negotiations with Congress. On the advise of friends in Congress they did not make application to that body as it was thought that the price of lands would be reduced to twenty-cents an acre, as Hamilton at this time had recommended in his report.

At this time the Scioto Company which seemed to have surety of meeting its payments were in a dilemma because the lands to which their settlers were sent were found not to belong to them, when surveyed, but to the Ohio Company. When it was seen that Congress was not going to act on Hamilton's suggestion Putnam suggested to the Scioto Company to sell to them the shares of the Ohio Company which would become forfeit if the payment was not made to Congress. This tract would include the land the Scioto Company wanted. By such a transaction, the Ohio Company would receive enough money to meet its payment and the Scioto Company would secure the lands they desired. This tract was one hundred and ninety-five thousand, five hundred and forty-four acres, fronting on the Ohio River between a point opposite the Great Kanawha and the true line of the seventeenth range, the western boundary of the Ohio Company's purchase.¹

The terms of such a bargain proving satisfactory to both parties, on April 23 Putnam and Cutler as agents for the Ohio

¹ Dawes, Scioto Purchase. Manasseh Cutler, Life, Journals and Correspondence, i., 510 ff. The negotiations were carried on mainly through Duer who was the chief man in the Scioto affair. By getting this tract the Scioto Company would have the title to the lands they had sold in Paris.

Company made a contract of sale to Craigie, Duer and Flint, trustees of the Scioto Company, of the above tract. No deed of conveyance was to be made until the payments were fully completed. This transaction failed because it was soon found that the Scioto Company had no money as they had thought they had.¹

Conditions in the Ohio Company's affairs grew no better and all attempts to settle accounts failed. Finally on March 2, 1792 a memorial and petition of the Ohio Company of Associates was presented to Congress by Putnam, Cutler, and Robert Oliver.² In this petition, after reciting the history of their application and purchase, they told of the expense of sending men to establish settlements, of the sacrifice of grants of land, and of the inadequacy of the protection afforded the settlers.³ The expenses of the company were cited as more than thirty-three thousand in specie, besides one hundred acres of land from each share.⁴ Five hundred thousand dollars had already been paid into the treasury and it was asked that the tract as described in the original contract be granted to them at twenty cents an acre or else other terms be made to save the company from ruin.⁵

While this petition was being discussed in Congress, the company was put into worse circumstances by the failure of Platt,

¹Barlow, their agent in France, returned drafts on him uncashed. See Chapter iv.

²Annals of Congress, iii., 433.

³This last point was quite true as the number of United States soldiers in the territory were far too few to protect the settlers.

⁴This was the grant to encourage settlement, made in January 1789.

⁵For petition see Cutler, Life, Journals and Correspondence, i., 476.

the treasurer, and also of Duer. This left the company without any resources at all to speak of.¹ However, Congress came to their rescue by a grant of land on April 21. By this act the Ohio Company was confirmed in the right of seven hundred and fifty thousand acres which had been already paid for.² Another tract of 214,285 acres was allowed to be paid for in military bounty rights within six months.³ A third grant of one hundred thousand acres was made on condition that it become void in such part as the company had not within five years from "the act, in fee simple as a bounty and free of expense, conveyed in tracts of one hundred acres to each male person not less than eighteen years of age, who at the time of conveyance was an actual settler."⁴ This grant was known as the "donation lands."

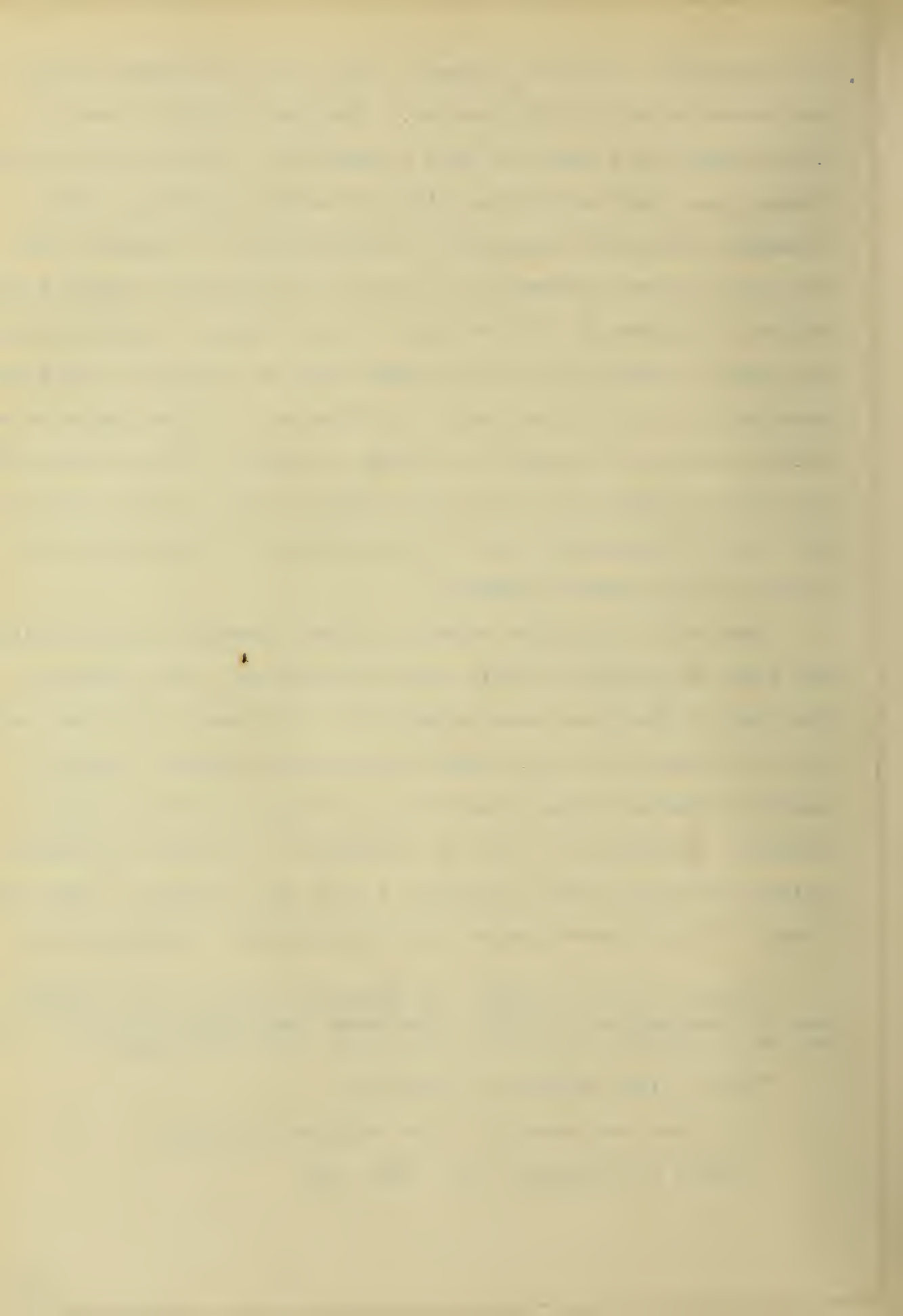
Even with this grant affairs did not flourish for the Indian war kept the settlers within their strongholds. The Indians at the time of the grant were especially troublesome since they had been victorious over S_t. Clair the preceding winter. Finally, however, General Wayne defeated them in August 1794 at Fallen Timbers. On August 3, 1795, at Freenville, a treaty was signed which terminated Indian troubles in the Ohio country. After the treaty the lands were thrown open to settlement, emigration in-

¹Dawes, Scioto Purchase, in Manasseh Cutler, Life, Journal and Correspondence, i., 520. The crash came early in April. It not only involved the Ohio but also the Scioto Company.

²Their first payment of \$500,000.

³This was one-seventh of the original purchase.

⁴Annals of Congress, iii., 363, 364.



creased and the improvement of the country began.¹ The population of the Northwest Territory steadily increased until by 1798 the number of five thousand necessary for a territorial legislature under the ordinance of 1787 had been reached.

Thus developed the Ohio country under the hands of the sturdy New England pioneers who though assailed by almost every difficulty overcame them and laid the foundations for a new nation. The type of settlers in this territory is in striking contrast to that of the people who came to the Scioto purchase, the history of which will be treated in the next chapter.

¹In March of 1795 at a meeting of the Ohio Company at Marietta the French of Gallipolis petitioned for the site of their town, which was sold to them at one dollar and a quarter per acre.

CHAPTER IV

The Scioto Company

As has been noted in a previous chapter, Colonel Duer came to Cutler on July 20 as he was negotiating with Congress for a purchase of land in behalf of the Ohio Company, with an offer to extend his contract and take in another company. Duer requested that the matter be kept secret and offered generous conditions if Cutler would accomplish the business for him.¹ Duer who was a keen business man saw here a chance to engage in a private speculation while obtaining the lands under the Ohio Company's grant. In return for this favor on Cutler's part, Duer was to use his influence to gain supporters for the Ohio agent's plan.

Cutler, as we have seen, extended his purchase as Duer wished and succeeded in obtaining the lands for which two contracts were closed with the board of treasury, October 27, 1787. One was for the Ohio Company and the other for the Scioto Company which Cutler said was "the greatest private contract ever made in America."²

On the same day Manasseh Cutler and Winthrop Sargent for themselves and associates assigned and made over to William Duer and his associates one equal moiety of the tract between the Scioto River and the western boundary of the seventeenth range of townships.³ The terms of this transfer provided that the parties to

¹Manasseh Cutler, Life, Journals and Correspondence, i., 295.

²Ibid., 326.

³Quarterly Publication of the Historical and Philosophical

the writing were to be jointly and equally concerned in disposing of the land either in Europe or America, as was best according to circumstances. Any loss or gain brought about by the undertaking was to be shared equally by the parties. The territory was to be divided into thirty equal shares, thirteen to be the property of Duer, in which he might admit associates as he saw fit and thirteen with the same privilege were to be the property of Cutler and Sargent. The remaining four shares were to be disposed of in Europe by an agent sent there by the company, but in case they could not be disposed of they were to be equally divided among the parties to the transfer. As the success of the enterprise depended upon the punctual payment on the part of the Ohio Company, Duer was to advance \$100,000 to them for that purpose with provisions that all over thirty thousand be reimbursed to him from the first subscription moneys.¹

This transfer is the first documentary evidence we have of the existence of the Scioto Company and whether or not it was ever formally organized in America has never been discovered. That Cutler, Sargent, Duer, Tupper, Putnam, Parsons, Barlow, Craigie, and Flint were in it is quite certain but who completed the associates is not known.

In pursuance of their plans Royal Flint was chosen to go to Europe as the agent of the Ohio Company. Early in the spring of 1788, when he was to start, he was too ill to undertake the voyage and in his place Joel Barlow was chosen. He was recommended by Flint as well as by Cutler who spoke of him as "the only person to

Society of Ohio, ii., 1907. Selections from Gallipolis Papers, 44 ff.

¹Duer actually advanced \$143,000.

whom he would be willing to trust the business."¹ Joel Barlow, who at this time was thirty-three years old, was a lawyer in Hartford, Connecticut, and had attained quite a little fame as a poet. He was a member of the Ohio Company and was known as a trustworthy man, but as for his being fitted for such business undertakings as this, he seems to have lacked the necessary qualities.

On May 25, having received the power of attorney from Duer, as well as several papers to prove he was the agent of the Scioto Company, he sailed for France where he arrived the last week in June.² He at once proceeded to Paris to begin his work but soon found that he was unable to do much alone. For a year he had little or no success and was quite discouraged. About this time, according to a letter from Barlow to Benjamin Walker on December 21, 1790, Colonel Blackden³ of Massachusetts, brought to Barlow's acquaintance Mr. William Playfair whom Barlow describes as "an Englishman of a bold and enterprising spirit and a good imagination who had been for some years in business in Paris and was acquainted with many people of business and property here."⁴

¹Jabez Barlow, his brother, was one of the Pioneer settlers at Marietta. Barlow was interested with Craigie, Platt and Parker in a similar speculation on the Wabash and had prepared to go abroad on that account, but receiving unfavorable letters he decided not to go. Dawes, *The Scioto Purchase*, in Manasseh Cutler, *Life, Journals and Correspondence*, i., 498, footnote.

²It must be remembered that Barlow had only the right of the sale of the pre-emption of the lands.

³Blackden was in Paris attempting to sell lands in Kentucky.

⁴Quarterly Publications of the Historical and Philosophical Society of Ohio, ii., 1907. Selections from Gallipolis Papers. Letter from Barlow to Walker, December 21, 1790, p. 72. Barlow knew Blackden to be an honest man and doubtless considered Playfair to be the same.

Barlow entered into a partnership with Playfair and in July conveyed to him one-thirtieth part of the Scioto speculation on condition that he give such services as were in his power. On August 3, a company was formed in Paris known as the Compagnie du Scioto.¹ The preamble of the articles of the company stated that Barlow had come to France for the purpose of selling three million acres of land between the Ohio and Scioto rivers. The eight members of the company created eight thousand shares to be sold at one thousand livres each.² They agree that immediately after the contract they would take measures necessary to put them in possession. The funds of the company were to be put in the hands of M. L. Seline, a banker of Paris who was to act as cashier, while the position of keeping a register over the company's funds was given to Playfair with the only safeguard that two of the associates sign it.³

The arrangement of the company's money was rather unique. Two-thirds of the sum arising from the payment of shares and three-fourths of the sum from the sales to those not shareholders was to be used to pay the purchase money and the money borrowed. The other one-third and one-fourth was to pay the expense of clearing

¹Quarterly Publications of the Historical and Philosophical Society of Ohio, ii., 1907. Selections from Gallipolis Papers. Letter from Barlow to Walker, December 21, 1790, p. 72. Barlow said that he thought it best to form a company to purchase the whole of the lands because the nature of the contract which was but a pre-emption was "too slight and dangerous a ground to attempt retailing on."

²The eight members were: Marquis de Gouy d'Arsy, Barond, Antoine de St. Didier, Noel Maheas, Troussier, Guilbert, Coquelin, Playfair and Barlow. All these men were well known and held important offices in Paris.

³This proved to be one of the causes of the failure of the company as Playfair proved to be dishonest.

and improving the land.¹

Three months after this transaction on November 3, the bill of sale between Barlow and the newly organized Scioto Company occurred.² This cited the lands negotiated for as "three million acres between the rivers, Ohio and Scioto, beginning from the confluence of the river Ohio and Scioto towards the East along the Ohio, as far as the west line of the seventeenth range of townships and its prolongation towards the north upon the said western line of the seventeenth range of townships as far as this line must be prolonged to make the said quantity of three million of acres and from such point to the west as far as the river Scioto and thence along that river to the place where the boundary shall have begun." The lands reserved for schools were to be made up to the society out of lands situated to the north of the possessions of the Ohio Company.

The price of land was fixed at six livres³ per acre, thus making eighteen thousand livres for the whole tract, and permission was given to resell all or parts before the time fixed for their payments, providing the society gave up to Barlow the agreements of the under-purchasers, Barlow returning these, however,

¹For the act of formation of the company see Quarterly Publication of the Historical and Philosophical Society of Ohio, ii., 1907. Selections from Gallipolis Papers, 49 ff.

²Belote, The Scioto Specualtion and the French Settlement at Gallipolis, in University of Cincinnati, University Studies, ser. 2, iii., no. 3, p. 68.

³Thus an acre sold for approximately one dollar and twenty cents.

when the entire value was paid to him. The money was to be paid in eight payments from December 1789 to April 1794. Playfair, Barlow and Antoine Chais de Soisson were appointed attorneys to sell lands at the best price and under the best conditions they could get.

Barlow did not send a copy of this contract to Duer but on November 29, 1789 wrote him of it. He expressed the hope that the whole business would be completed within the next year at a great profit. The object of the company, said Barlow, was the immediate settlement by the sale of portions to individuals and by sending cultivators in the service of the company. He informed Duer that many shares had already been sold and that the people were preparing to set sail in January. He insisted that the boundary line between the seventeenth and eighteenth ranges be ascertained; that enough huts be built to accomodate one hundred persons; and that a person of activity be sent to Alexandria, Virginia, to receive the emigrants and to make arrangements for their journey to the lands. He urged that every possible comfort be afforded them as the reports of the first settlers would determine the further success of the venture.² If the first reports were good, Barlow thought that twenty thousand people would be in the territory in eighteen months and all the payments be made in a year. He urged above everything else that the tract be secured for these

¹Quarterly Publication of the Historical and Philosophical Society of Ohio, ii., 1907, p. 59

²Barlow proved correct in this particular as later events showed.

emigrants.¹

That so much interest had been aroused and subscriptions secured was due in a great measure to conditions in France at this time. The Revolution was just getting under way and people welcomed this new land which promised liberty and freedom. To induce prospective buyers to invest, the company issued various publications, the most famous of which was the "Prospectus pour l'establissement sur les rivieres d'Ohio et de Scioto en Amerique". This prospectus told how fertile and productive the lands were, representing it as capable to produce every kind of plant or grain.² The country was said to be the center of the population and although not settled itself was surrounded by settled territory.

The prospectus also stated that the associates were ready to accept in payment for the lands, American script at ninety per cent. This could be bought at seventy cents so they were in fact getting a twenty per cent discount. The money for the second payment, said the prospectus could easily be obtained from the production of the lands. A site for a city had been chosen opposite the mouth of the Great Kanawha River.³ This was shown on

¹Some of Barlow's later letters on this subject are really pathetic in their appeal that matters be tended to as he desires.

²"In all part the soil is deep, rich, producing in abundance wheat, rye, corn, buckwheat, barley, oats, flax, hemp, tobacco, indigo, the tree that furnishes food for the silk worm, the grape vine, cotton ..." Extract from prospectus, in Randall and Ryan, History of Ohio, 11., 489.

³When the lands were surveyed this site proved to belong to the Ohio Company. This fact caused a great deal of trouble for the company.

on the map which they exhibited as situated in a well situated and cultivated territory.

Such promises could not help but appeal to the French who, from all walks of life, began to invest in western lands. The office of the Scioto Company was flooded with people eager to go to this new Utopia. By December 8, 1789 Barlow wrote to Duer, telling him that the sales were still increasing and that many having finished their purchases were making preparations to leave, some even having already gone to Havre to make arrangements for sailing. He thought Major Rochefontaine would sail early in January with about one hundred persons. He again urged that every attention be given the settlers on their arrival as the success of the future depended on the reports of these first emigrants.¹ By the last of December Barlow expressed the hope of finishing the bargain in a month and of being in a position to make the first payment to Congress.

At this time, however, he complains that he has received no word from the company in America, which is extremely necessary, especially must he know something concerning the progress of the surveys, the disposition of the savages, and other points. From this it seems that questions of doubt concerning the perfect conditions in America were being raised in France. By February, things had decidedly changed in Paris. The people began to doubt this new speculation and to distrust it.² In Paris caricatures

¹Quarterly Publications of the Historical and Philosophical Society of Ohio, ii., 1907, p. 62.

²No word had been received by Barlow from the company in regard to the northwest lands and people began to lose confidence in him and doubt his position.

appeared showing crowds buying imaginary lands.¹ The sales of land ceased; several of the leading members of the company fled the country² and it was soon seen that under these conditions the first payment in January could not be made, so it was agreed in that month that the contract be given up. Confronted by such a dilemma, Barlow saw it would be dangerous to have this fact become known so did not make it a public act until July 22, by which time a new company had been formed.

Meanwhile, it had been found when the surveys were made that the land which the Scioto Company thought belonged to them did not but was in the Ohio tract. The Ohio Company, at this time was greatly in need of money to make their payment. News from Barlow had indicated that he would be able to make payments, so Colonel Duer associated himself with Flint and Craigie as trustees of the Scioto Company and bought of the Ohio Company the lands which that company would forfeit should it not make its payment. This tract of land would give the Scioto Company the lands they desired. This scheme, however, failed when the drafts on Barlow, which he had requested Duer to make, were returned uncashed.³

As has been said, by July 22, 1790 a new company had been formed. This was known as the De Barth-Coquet Company and was composed of De Barth, Coquet, Louis Philippe Douralette, and

¹Massachusetts Historical Society, Proceedings, 1873-75, xiii. 82.

²Makeas, one of the principal agents, and Troussu, another agent, fled the country. Barlow to Walker, December 21, 1790, in Quarterly Publications of the Historical and Philosophical Society of Ohio, ii., 1907, p. 73.

³Barlow to Duer, December 29, 1789, in *ibid.*, 62. Barlow told Duer to draw on him, if necessary, for one hundred thousand livres.

William Playfair. De Barth and his father had one-half interest, Coquet one-tenth, Douralette one-tenth, and Playfair, three-tenths. This company agreed to pay to Barlow five hundred thousand livres on September 1, 1790 besides authorizing him to negotiate if he could on its credit of one hundred thousand livres. This money was to be used to pay the American proprietors.¹ The amount of the sub-sales made by the company of the Scioto was to be turned over to the De Barth-Coquet Company, except one-tenth which was to be given to Barlow to meet the office expenses of the former company, as well as enough to be taken to pay the American associates for what they had expended in America on surveys, houses, and supplies. All the sales already made were to be assumed and fifteen cents on every acre sold by the new company was to be given to the American proprietors as their profit. The payment of this per cent was, however, not to be made until three hundred thousand acres had been sold.

This transaction of Barlow's was not pleasing to the associates in America. On account of this and the failure of Barlow to make good his drafts, it was decided to look into the matter. Accordingly Colonel Benjamin Walker² in December 1790 was sent to Paris, where he found that things were as he expected; that Playfair had received the money from the sales while Barlow had

¹Barlow hoped to be able by this second venture to pay the money which was then so badly needed. The enterprise seemed so promising that it is not to be wondered at that Barlow entered into it.

²Walker was born in England in 1753. When very young he came to America, serving in the Revolution when that war broke out. After the war, he entered business in New York City as a broker. Manasseh Cutler, Life, Journals and Correspondence, i., 516, footnote.

had received nothing.¹ He was unable to find from Playfair where the money had gone. Being convinced that nothing could be done, Walker placed the affairs in the hands of Colonel Rochefontaine, gave public notice in advertisements in the principal cities of France not to buy lands of Playfair, and in May 1791 returned to America.² Walker fully exonerated Barlow from all blame in the matter, which was correct for he had clearly been duped by the villainy of Playfair.

Before this crash in the affairs of the Paris speculators, however, emigrants had set sail for America. The first party under the leadership of Boulogne, a French agent selected by Barlow left Havre the last of February 1790. In this company were people from all ranks of society, among which was the "Society of Twenty-four" from the French aristocracy.³ After a long voyage they landed, about May 1, 1790, at Alexandria, Virginia, their intended port. The reception accorded them was far from encouraging. Colonel Franks who had been sent by Duer to meet them had returned to New York, thinking they had missed their port. The people of Virginia began to discourage them by telling them that

¹For commission of Walker see, Quarterly Publication of the Historical and Philosophical Society of Ohio, ii., 1907, p. 66.

²Rochefontaine a few months later had to flee the country, thus destroying the last straw of the speculators in France.

³This company was formed in Paris, January 24, 1790. Each of the twenty-four members was to purchase one thousand acres and provide four laborers whom he was to transport to Havre at his expense. These twenty-four planned to form a great Catholic settlement on the Ohio. Leading members were Count de Barth and his son, M. Bourogne, Marquis Lezay, Marnesia, General Duportail, General Duralette, Colonel Rochefontaine, Playfair, and Joel Barlow. Their settlement was to be separate from the towns of the other emigrants. Dawes, Scioto Purchase, in Cutler, Life, Journals and Correspondence, i., 503.

their deeds were worthless, the lands of no value, that the Indians were hostile, and that lands in Virginia could be had at much better terms. All these things created a great deal of alarm and mistrust among the emigrants, so that Major Ginon who had been sent to Alexandria by Duer when he arrived the last of May had a hard time keeping them quieted.¹

A committee of leading men was sent to New York to see Duer for the purpose of enquiring concerning the validity of the land titles and also to enquire about the Indian difficulties. They were shown the contracts with the board of treasury and were assured protection. Colonel Franks was sent to Alexandria to make agreement with the settlers, proceeding if possible with them to Gallipolis, as their city was called. Ginon at this time was eager to start with the emigrants for their lands, fearing that more arrivals would prove the downfall of the undertaking. At the very time he was writing to Duer, telling him this, Putnam was writing to that same person telling him under no consideration could the settlers come on immediately as money and provisions were lacking.

Frank, attempting to negotiate with the settlers, found this a hard task. By June 18, however, he concluded an agreement between the emigrants and the company in which he granted most of the demands they had made. The company was to pay the board of the emigrants while at Alexandria at the rate of two shillings per

¹Putnam to Ginon, March 9, 1790, in Quarterly Publications of the Historical and Philosophical Society of Ohio, ii., 1907, p. 82 ff. He told Ginon not to let the people of Virginia know of the destination of the settlers. Evidently he feared that they would attempt to discourage the French as it proved they did.

day as well as their board and conveyance of baggage while en route to the western lands.¹ The emigrants were granted an extra year in which to make the second payment on their lands and each purchaser was given a town lot and a four acre lot out of town. In regard to the Indian affairs, the company promised to placate the Indians with five hundred dollars' worth of goods.² This agreement was very favorably received by the emigrants whose representatives signed it.

Soon after this agreement the journey to the lands was begun. Ginon was assisted by James Backus³ in the task of conducting the emigrants. Backus on his way from Sumrill's Ferry to Alexandria had made provision for food and wagons for the settlers at various points. On June 29 the party left Alexandria for their new home. The journey over the mountains was very severe and trying, especially to those people who were so unused to such conditions. The way was rough and the weather extremely hot but nevertheless these emigrants did not despair but still had great hopes from their new settlement.

About October 20, 1790 the first boat load of emigrants reached Gallipolis. Here they found huts built as had been promised. These had been erected by Major John Burnham and a company

¹ They had asked for three shillings. A commission composed of agents and settlers was to determine what constituted baggage as it was feared they would take merchandise with them, which they might sell at a big profit.

² Belote, *The Scioto Speculation and the French Settlement at Gallipolis*, in *University of Cincinnati, University Studies*, ser. 2, iii., no 3, p. 51.

³ Backus, who had been chosen by Putnam for this work, was one of the first settlers at Marietta. He was thoroughly experienced for such a task.

of men, who had been employed by Putnam in March 1790.¹ The town as it rose before these settlers from France consisted of log houses all the same size in parallel rows, each three hundred feet in length. At intervals of one hundred feet a space for intersecting streets was left. On both extremities of the rows of huts were erected two log stockades, the upper part of which projected over the lower one to serve as a fortress. As soon as they arrived they were assigned to the houses and four acre lots.² The work of clearing the land, a new undertaking for these people who were skilled laborers, occasioned many hardships.³

The question of supplies, as in the case of all the early settlements, was of the greatest moment. They knew but little about cultivation and planted mostly garden truck which served to keep them for a time. Duer in the fall of 1790 established a store at Gallipolis, the charge of which he placed in the hands of John Mathews of Marietta.⁴ During the first two winters, they depended for provisions upon the boats plying up and down the

¹For Burnham's instructions from Putnam see Ohio Archaeological and Historical Society, Publications, ii., 43.

²The company of twenty-four did not like the place since they had no better houses than the others. They stopped at Marietta and were assigned quarters at Fort Harmar. They were later to have a city surveyed for them but Indian hostilities made this impossible. Dawes, The Scioto Purchase, in Cutler, Life, Journals and Correspondence, i., 517, 518.

³Stories are told of the many deaths resulting from trees falling on those cutting them. Waldimard Meulette, in the American Pioneer, ii., 185, says that he knew of no such occurrences. Meulette was one of the early settlers in the country. He gives a good description of the skilled labor performed in the settlement, such as watchmaking, carving, etc.

⁴Mathews was a nephew of Putnam. He was employed under Tupper in 1786 in the survey of seven ranges, after which he was engaged by the Ohio Company. Cutler, Life, Journals and Correspondence, i., 517, footnote.

river and also upon the hunters. The winter of 1791 was extremely severe; the river was frozen; the hunters had no meat to sell; and provisions were not to be had. Such conditions almost created a famine in the settlement. After the first two winters they were not troubled for lack of provisions.

For the first year the Indians bothered the settlers but little, but after the Big Bottom Massacre in 1791 it was necessary to put the settlement in a state of defense. By 1792-93 a company of militia was organized at Gallipolis and a company of regular soldiers was stationed there. This military organization was kept up until after Wayne's victory in 1794.

From the time of their arrival the settlers knew that the lands did not belong to them and many despairing of ever obtaining a title to these lands left for other parts of the country, some going East, while others went as far West as the French settlements on the Illinois.¹ By 1793, according to Michaus who visited the town of Gallipolis, only one hundred and fifty out of the six hundred who had come there remained.²

Feeling that something should be done M. Gabriel Gervaise, a citizen of Gallipolis, went early in 1793 to Philadelphia where he discussed with Stephen Dupouceau, a lawyer who had come to this country from France at the time of the American Revolution, concerning the state of affairs at Gallipolis. As an outcome of their discussion, they drew up a petition which was submitted to

¹The failure of Duer, who lost all in a financial panic in New York, in the spring of 1792 added to the despair of the French.

²Thwaites, *Early Western Travels*, iii., 35.

Congress on February 9, 1793.¹ On March 27 it was sent to the attorney general who was to examine it and report at the next session of Congress as to the best means to be pursued. On March 24, 1794 the attorney general made his report, following which the senate passed a bill summoning the Ohio Company directors to appear before them and show cause why so much of the grant of seven hundred and fifty thousand acres made them in 1792, sufficient to satisfy the French claims should not be declared void. Nothing came of the summons as none of the directors appeared.²

Finally on March 3, 1795 in response to Gervais and Dupouceau Congress granted twenty thousand acres in what is now the southern part of Scioto County, Ohio, to all French settlers over eighteen years of age who would be in Gallipolis on November 1 of that year.³ Gervais received four thousand acres for his work and the other twenty thousand was divided among ninety-two persons. In order to confirm the title, settlement was to be made on the land within five years. This donation was known as the "French Grant."

The site of the town of Gallipolis still belonged to the Ohio Company. When in December 1795 they held a meeting at Marietta to settle their affairs, the French inhabitants of Gallipolis petitioned that the site of their town be given them. This was not granted but an application to Purchase at a low price was accepted and nine hundred acres containing Gallipolis were sold to

¹Annals of Congress, 1791-93, iii., 368, 369.

²In January the donation tract of the Ohio Company was thrown open and offered to the French but few responded.

³Ibid., 1793-95, iv., 1274.

the French at one dollar and a quarter per acre.¹

The French Grant was surveyed and lots drawn in the spring of 1796 but only a handful moved onto the lands which were finally bought and settled by eastern emigrants who were responsible for the further cultivation and growth of the country.

The failure of the French settlement, although occasioned in part by outside circumstances, was due in no small degree to the settlers themselves. This group of skilled laborers from the city of Paris found conditions in the West unsurmountable and the country only developed when the New England blood such as settled Marietta was fused into it.

¹Quarterly Publication of the Historical and Philosophical Society of Ohio, ii., 1907, p. 90.

CHAPTER V

The Symmes Purchase

The third enterprise resulting in the settlement of the Northwest Territory was the Symmes Purchase. The history of Symmes and his associates forms an interesting chapter in the development of the western lands.

Symmes immediately after his application to Congress and before he had secured his grant, issued on November 26, 1787 the "Trenton Circular." In this circular which was addressed "to the respectable public" Symmes stated the boundaries of his purchase. The land was to be surveyed according to the ordinance of 1785 and one township laid off "as nearly opposite to the mouth of the Licking River as an entire township may be found eligible in point of soil and situation" was to be given for a university.¹ Military bounties were to be allowed to be used in paying for lands providing that the aggregate of such rights did not exceed one-seventh part of the land to be paid for. Officers and soldiers who wished to have their lands in this grant were to send their names to Colonel Dayton, one of the associates. Ministers of the gospel of every denomination of Christians were "cordially invited into the country to enjoy the use of lot twenty-nine in each township, in such distribution as shall be agreeable to the parishon-

¹Quarterly Publications of the Historical and Philosophical Society of Ohio, v., 1910, p. 83.

ers."¹ Schoolmasters who would settle on the land and were capable of discharging with propriety the duties of such instructors were to enjoy "the free use and benefit of lot number sixteen in some one of the townships as long as they should severally pursue the business of educating the children of the parish on such terms as shall be agreed between the master and his employers."²

Symmes reserved for himself an entire township lying lowest down in the point formed by the Ohio and the Great Miami rivers and "three fractional parts of townships which lay north, south and west between such entire township and the waters of the Ohio and Great Miami."³

The country was described in this circular as being equal if not better than other western lands. The title to the land was promised to be clear and it was hoped that the next spring would see the commencement of considerable settlement providing the first payment could be made by that time. After the first of May the price of lands was to be one dollar per acre but after the first of November, the price was to be raised still higher, if the country settled as fast as expected.⁴

After this publication the sale of land was begun and preparations were soon made for settlement in the Miami country. The

¹Quarterly Publication of the Historical and Philosophical Society of Ohio, v., 1910, p. 89.

²Ibid. The people in this company, as those in the Ohio Company, made ample provisions for religion and education.

³Ibid., 90.

⁴The price up to May 1 was to be two-thirds of a dollar per acre.

first party for this purpose was led by Benjamin Stites, one of the chief promoters of the company.¹ Stites' party, consisting of eighteen or twenty men, left Maysville, Kentucky, November 17, 1788. In the following week they landed at the mouth of the Little Miami River, which place was in the tract of ten thousand acres which Stites had purchased from Symmes. They built a log fort and laid out a town which they named Columbia. This village flourished for a time and for two or three years contained the most settlers of any village in the territory of the Miami purchase. In 1792 according to John Heckewelder, there were many well built houses in Columbia and the population was eleven hundred. There were also two Baptist ministers in the town.²

The second party to begin settlement was that organized by Mathias Denman, John Filson, and Robert Patterson. Denman who was from Springfield, New Jersey, had purchased from Symmes the fraction of land on the bank of the Ohio and the entire section adjoining it on the north which on the survey of Symmes's grant should be found to lie opposite the mouth of the Licking River.³ In the summer of 1788 Denman went West to see the lands he had bought. On his return to Limestone he met Colonel Patterson⁴

¹Burnet's Notes, 46.

²John Heckewelder's Journey to the Wabash in 1792, in Pennsylvania Magazine of History and Biography, xii., 39. The number of inhabitants is probably an exaggeration although there was at this time a large number of people in the Miami country; many of them however were only tarrying there on their way to Kentucky lands.

³Burnet's Notes, 47.

⁴Colonel Patterson had served in Dunmore's War and was one of the pioneers in Kentucky and Ohio. He was one of the first to settle Dayton when that town was founded in 1796.

and a surveyor by the name of John Filson.¹ To these men Denman told his plan of laying out a city opposite the Licking River and agreed to take them in as partners. Each of these men was to pay a third of the purchase money, and Patterson was to exert his influence to get settlers while Filson was to survey the lands in the following spring.

In the winter of this year, 1788, Filson while on an exploring expedition was lost. Just what became of him has never been discovered but he was in all probability killed by the Indians. This terminated his contract and Denman secured in his place Israel Ludlow who was to perform the same duties as Filson, had he lived.

About December 24, 1788 a party of twelve or fifteen men, under Ludlow, left Limestone for their new town. After a few days passage on the Ohio, which was at this time full of floating ice, they arrived at the intended site of their town which they had named Losantiville but which was soon after changed to Cincinnati.² Work of building huts was immediately begun. The first two years there was no great increase in the settlement and by 1790 it consisted of two log houses and several cabins.³ In 1790 Fort Washington, the strongest fort in the Northwest, was built in Cincinnati. This aided greatly in the growth of the town.⁴ The trans-

¹John Filson was a native of Pennsylvania, as was Patterson also. He settled in Kentucky in 1783.

²The name Losantiville it is thought was given by Filson. Just when the name was changed and by whom is disputed. Van Cleave in his Memoranda, in the American Pioneer, ii., 148, says that St. Clair changed the name of the town to Cincinnati in January 1790.

³Ibid., 148.

⁴Fort Washington was built similar to Campus Martius. It was

fer of the troops to Cincinnati induced many settlers from Columbia and North Bend, which had been established before this, to come to Cincinnati which became the most flourishing settlement in the Miami country. In 1791 very little immigration to the Miami country took place on account of the depredations of the Indians occasioned by St. Clair's defeat. In 1792, however, about fifty people came to Cincinnati and a church was established.

John Heckewelder who visited the town in this year gives in his journal a description that indicates wonderful prosperity in the settlement. He says that the rush of settlers was so great that lots were being sold for from thirty to sixty dollars an acre. More than two hundred houses had been built, some of which were two stories high. The number of inhabitants, according to Heckewelder, was nine hundred, not including the soldiers in the fort, of which there were about two hundred.¹ The city was overrun with merchants and overstocked with goods if Heckewelder's account is to be believed. The town at this time had its judges and held its regular courts. These had been established by St. Clair in 1790.²

On November 9, 1793, William Maxwell established "the Centennial of the Northwest Territory" in Cincinnati. This was the first newspaper printed west of the Ohio.³ Cincinnati grew very little built in a perfect square with block houses at each side at the angles.

¹John Heckewelder's Journey to the Wabash in 1792, in Pennsylvania Magazine of History and Biography, xii., 41 ff. Heckewelder evidently exaggerated his account of the city.

²American Pioneer, ii., 148.

³Howe, Historical Collections of Ohio, 215.

however until after the treaty of Greenville in 1795 when Indian hostilities ceased. Burnet describes Cincinnati in 1795 as a small village of only fifteen frame houses.¹

The third party to made a settlement in the land between the Miami rivers was under the direction of Symmes. On the 29th of January 1789, the party left Limestone where they had waited until the treaty with the Indians at Fort Harmar had been made. They started for the Senman section but on account of the river's being almost unnavigable they were forced back to North Bend where they began a settlement. At Symmes's solicitation General Harmar sent Captain Kearsy with forty-eight men to protect the settlements just beginning in the Miami country. A detachment of this company had been sent on to protect the settlers at Columbia but when Symmes and his party accompanied by Kearsy arrived there, the detachment joined them and went on with them to North Bend where they arrived the first or second of February. Kearsy soon became dissatisfied with North Bend and left with his command. Symmes immediately asked for a new guard and within a month a detachment of eighteen men arrived. With this advantage of military protection North Bend flourished but soon this detachment of troops left for Cincinnati and with it went many of the settlers. Under such conditions North Bend was soon nearly deserted.²

The last noteworthy settlement undertaken in this territory in the latter part of the eighteenth century was after the treaty of Greenville in 1795. At that time Governor St. Clair, General

¹Burnet's Notes, 32.

²Ibid., 54.

Wilkinson, Jonathan Dayton and Israel Ludlow contracted with Symmes for purchase and settlement of the seventh and eighth ranges between the Mad and Little Miami rivers. This tract had been settled in 1788 by several settlers of Columbia who had made negotiations to purchase it from Symmes, but they were not able to carry out their plans on account of Indian hostility. On the 21st of September 1795 two parties of surveyors set out to run the boundaries of the land purchased by St. Clair, Dayton, and their associates.¹ By October 4, having established the northern and southern boundaries of the purchase, they returned to Cincinnati. On November 1 they again went to the Mad River and on the 4th Israel Ludlow laid out a town which was called Dayton after Jonathan Dayton, one of the proprietors.²

A few families went out to this new town in the winter but the first real permanent settlement was not begun until in April 1796. Dayton grew but little in these early years and it was not until after 1800 that it grew to be of any importance.

Turning from the work of establishing the settlements in this early period it might be well to see the conditions in them. The year 1789 looked promising to the new undertaking since the danger from the Indians had partially subsided because of the treaty of Fort Harmar. There was a scarcity of bread in this year but deer, bear, and other wild game was abundant. By 1790 the settlers felt confident of being able to repulse the Indians who had become troublesome. New settlers were coming to the territory and

¹American Pioneer, ii., 294.

²Ibid., 295.

affairs looked very promising. After the defeat of St. Clair the Indians naturally grew very bold and emigration was checked. In the spring of 1792 there was a great scarcity of food in the settlements and the game they were dependent upon was hard to hunt on account of the danger from the Indians.¹

When Wayne on his way to suppress the Indians in the spring of 1793 stopped at the head of the Ohio, many people were induced by his presence to go out and settle the lands they had purchased. After Wayne's victory and the settlement of the Indian war, this country like the Ohio land rapidly developed.

While the various settlements were being undertaken, the affairs of the company were far from satisfactory. Symmes in the very beginning sold lands that were not included in his grant. When St. Clair arrived in the territory he found that Symmes had sold land far to the eastward of the line, twenty miles from the mouth of the Great Miami River, which was the boundary line of his purchase. St. Clair made no objections at first, for, as he says: "it could never have entered into my head that any person much less one invested with a respectable public character, had published a falsehood, was persisting in it and availing himself of the pecuniary advantages following from it."² As soon, however, as he saw that Symmes was wrong in representing these lands in his purchase, he wrote to Symmes concerning them. St. Clair prepared a proclamation warning the people not to buy the lands outside of the boundaries of Symmes's actual purchase which he

¹ Indiana Historical Society, Publication, i., no 9, p. 310.

² St. Clair to Alexander Hamilton, in St. Clair Papers, ii., 209, 210

specified. He first sent this to Symmes who asked that the proclamation be not issued. The governor, however, felt that it would not help matters to postpone it so on August 23, 1791 he issued his proclamation to the people.¹ On September 15, he made another proclamation at Cincinnati in which he informed those who had settled on the lands which did not belong to Symmes that they would not be disturbed.²

This trouble over rights to land caused no little discontent and petitions were made to Congress to secure settlers in their rights. On April 11, 1792, a petition was presented in Symmes's name stating that from an advance in the price of certificates he was unable to fulfil his contract and asked that a reduction be made in the price of the land.³ Congress came to his relief by the passage of an act on April 12, 1792 by which the president of the United States was empowered "to alter the contract between the late board of treasury and the said John Cleve Symmes for the sale of a tract of land of one million acres in such manner that the said tract may extend from the mouth of the Great Miami to the mouth of the Little Miami and be bounded by the river Ohio on the South, by the Little Miami on the East and by a parallel of latitude on the North extending from the Great Miami to the Little Miami so as to comprehend the proposed quantity of one million

¹St. Clair Papers, ii., 211.

²Ibid., 213. In his first proclamation he had threatened that the people who had settled on the lands outside of Symmes's grant would be driven off.

³Annals of Congress, 1791-93, iii., 2248. This petition was made at about the same time as that of the Ohio Company.

acres."¹ [Provision was also made that the president reserve as much land near Fort Washington as he might think necessary for accomodating a garrison. About a month later on May 5 another was passed to give relief to Symmes. By this act the president was empowered to grant to Symmes and his associates in fee simple, such number of acres as the payments already made by Symmes, estimating the lands at two-thirds of a dollar per acre, would pay for. A tract of 106,857 acres was to be conveyed to Symmes, to be taken up under military bounty rights. The act also provided for the grant of one complete township for "the purpose of establishing an academy and other public schools and seminaries of learning."²

On September 29, 1794 Symmes requested that an alteration be made in the boundary of his purchase and on the following day the president, in conformity with the act of May 5, 1792, granted him the land certified therein. This grant contained 311,682 acres out of which were excepted lots sixteen and twenty-nine for education and religion, and eight, eleven, and twenty-six for the disposition of Congress. It was also provided that one complete township of six miles square was to be located with the approbation of the governor and within the term of five years, as nearly as may be in the center of the tract granted, granted and used for the exclusive purpose of erecting schools and seminaries of learning.³ In settling the accounts of Symmes and his associates for

¹Annals of Congress, 1791-93, iii., 1357.

²Ibid., 1373. When Ludlow surveyed the tract as specified by Congress he found it contained by 543,950 acres.

³American State Papers, Public Lands, i., 76.

for the 311,682 acres, 142,875 were given for military bounties. Instead of setting off an acre for an acre as called for in the military bounties, the government counted the warrants as one dollar per acre and accepted them in exchange for lands at two-thirds of a dollar per acre, thus giving 142,875 acres for 92,250 warrants.¹

The patent of 1794, however, was not satisfactory to Symmes who returned to the Miami country and began to sell lands again that were not within the limits of his patent.²

Perhaps the greatest trouble over the Symmes purchase was on the question of a township for a college. Very early after the settlement of the territory was begun, applications regarding a township so granted were made by various people in the territory to Governor St. Clair. According to the original amount of land petitioned for by Symmes, he would have been entitled to a township for a college. In his Trenton circular he had stated that a college township had been given and had marked out such a township on his map. When it was found that the purchase as actually made only called for half as much as he had petitioned for he erased the entry of the college township on his map and offered the tract for sale.³ Since it was one of the most desirable tracts in the territory it was soon disposed of. The matter stood thus until

¹American State Papers, Public Lands, i., 76.

²He claimed he had never relinquished his claim to the original quantity of one million acres. He hoped by the sale of these lands to obtain money with which he could make payments for a large grant.

³He had a right to do this as no township for a college was to be given unless the purchase was as large as that of Cutler's.

Symmes made his application to Congress for relief in 1792. General Dayton, Symmes's agent and a very powerful man in Congress at this time, introduced a bill to authorize a grant of a township for an academy to be made to Symmes.¹ The patent issued in September 1794 granted such a township which was to be located with the approbation of the governor of the Northwest Territory. At this time, however, there was not an entire township in the purchase which was not in part at least disposed of.

In July 1798 Symmes offered a township for St. Clair's approval. Since however this township was in no way like the description of the one granted by his patent, St. Clair refused to accept it. He also had heard that part of the township offered belonged to Bondinot, one of Symmes's associates. At this time Bondinot had started a suit in the chancery court of the United States to recover possession of this township.² Symmes never made a grant for a township and the matter was finally settled in 1803 when Congress passed a law giving the state of Ohio an entire township for the establishment of a college. These lands are those now held by Miami University.

As has been said, Symmes returned in 1794 to the Miami country and continued selling lands which did not belong to him. Rumors began to arise concerning the validity of Symmes's right to make such sales and the people began to grow apprehensive lest they lose their lands. They insisted that Symmes take measures to secure their titles and some even proposed making application

¹Burnet's Notes, 429.

²St. Clair Papers, ii., 455. The sale to Boudinot had been made in 1788.

themselves to Congress. Symmes, however, dissuaded them from such a step as he feared should such an action be taken he would lose the chance to make claims for the complete fulfilment of his contract.

In the fall of 1796 Symmes went to Philadelphia where Congress was sitting.¹ He spent the winter and spring in an effort to have the government make him a further grant.² He was however not successful in his efforts as Congress maintained that the whole contract had been forfeited by non-payment before the act of 1792. Symmes seeing that no further grant could be obtained, gave up in despair, leaving the purchasers whose lands were not within the limits of his patents to settle the matter as they could. Various petitions were submitted by settlers to secure their titles. Finally Congress in answer to these petitions passed on March 2, 1799 an act which gave the right of pre-emption in purchasing of the lands not comprehended within Symmes's patent of September 30, 1794, to those who had contracted with Symmes for them. The price was to be two dollars per acre, and one-third of the money was to be paid on or before September 1, one-third one year from that time, and the remainder two years from the first payment.³ By this grant of pre-emption and one in 1801 the people in the territory were able to hold their lands and improve them.

Thus developed the settlement in the Miami country which though obstructed by numberless obstacles overcame these and aided in the growth of the western country.

¹Burnet's Notes, 425.

²Annals of Congress, 1796-97, p. 1704.

³Ibid., 1797-99, iii., 3937.

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